

**OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA
TENTH DAY'S PROCEEDINGS**

**Twenty-Ninth Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, April 22, 2003

The Senate was called to order at 4:00 o'clock P.M., by Hon. John Hainkel, President of the Senate.

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lambert	Ullo
Fields	Lentini	

Total—38

ABSENT

Bean
Total—1

The President of the Senate announced there were 38 Senators present and a quorum.

Prayer

The prayer was offered by Father Gerald Young, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Lambert, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

**Introduction of Resolutions,
Senate and Concurrent**

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

SENATE CONCURRENT RESOLUTION NO. 44—
BY SENATOR IRONS

A CONCURRENT RESOLUTION
To join in "Celebrating the French Quarter", to proclaim April 22, 2003, as "New Orleans Day at the Legislature", and to provide for suitable observance of this special day.

The resolution was read by title. Senator Irons moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Lentini
Adley	Gautreaux	Michot
Barham	Heitmeier	Mount
Boissiere	Hines	Romero
Cain	Hollis	Schedler
Chaisson	Hoyt	Tarver
Dardenne	Irons	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, CD	
Fields	Lambert	

Total—28

NAYS

Total—0

ABSENT

Bajoie	Holden	McPherson
Bean	Johnson	Smith
Cravins	Malone	Ullo
Ellington	Marionneaux	

Total—11

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Message from the House

**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

April 22, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 581—
BY REPRESENTATIVES DEWITT AND BRUCE
AN ACT

To amend and reenact R.S. 33:4161, relative to public utilities; to include emergency medical services in the definition of revenue-producing public utility; and to provide for related matters.

HOUSE BILL NO. 880—
BY REPRESENTATIVE JOHN SMITH
AN ACT

To amend and reenact R.S. 47:302.5, 322.19, and 332.3, relative to the state sales and use tax on hotel occupancy levied in Vernon Parish; to provide for the allocation, administration, and use of such monies; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 23—
BY REPRESENTATIVE ILES
AN ACT

To name United States Highway 171, from the city of Lake Charles to the city of Shreveport, except for that portion named the

Johnny B. Hall Memorial Highway, the Purple Heart Highway; and to provide for related matters.

HOUSE BILL NO. 69—

BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 32:1735(A), relative to the towing of motor vehicles; to provide relative to the selection of a licensed towing company; and to provide for related matters.

HOUSE BILL NO. 193—

BY REPRESENTATIVE PINAC

AN ACT

To enact R.S. 37:1431(33) and 1470, relative to realtors; to provide for definitions; to provide relative to the Louisiana Real Estate Commission; to provide for the adoption and distribution of certain pamphlets; to provide relative to the duties of a licensee; to provide relative to liability; and to provide for related matters.

HOUSE BILL NO. 763—

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:1720(A), 1728.2(D)(introductory paragraph) and (E)(introductory paragraph), and 1728.3(D)(2) and (E)(introductory paragraph), relative to the Louisiana Towing and Storage Act; to provide relative to the mailing of certain notices; and to provide for related matters.

HOUSE BILL NO. 1046—

BY REPRESENTATIVE DIEZ

AN ACT

To enact R.S. 32:1736, relative to the nonconsensual towing of motor vehicles; to provide for definitions; to require certain information on the billing invoice; to provide relative to certain written contracts; to provide relative to signage on certain private property; to require uniform fees; to provide relative to the enforcement of these provisions, including the inspection of billing invoices, contracts, and other information; to provide relative to penalties for noncompliance; to provide relative to a cause of action; and to provide for related matters.

HOUSE BILL NO. 1183—

BY REPRESENTATIVES PINAC, ALEXANDER, BAUDOUIN, BROOME, BRUCE, DANIEL, DURAND, FLAVIN, PIERRE, WALSWORTH, CROWE, DEVILLIER, FANNIN, FRITH, SCHWEGMANN, AND GARY SMITH AND SENATORS MICHOT, CRAVINS, AND HOYT

AN ACT

To enact Chapter 8-I of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:844.21 through 844.25, relative to an information and referral system; to provide for the authority of the Public Service Commission, to create a planning board to make recommendations to the commission, to provide for the requirements of the system and procedure for its planning, implementation, operation, and associated costs; and to provide for related matters.

HOUSE BILL NO. 1259—

BY REPRESENTATIVE ILES

AN ACT

To amend and reenact R.S. 9:315.45(B)(1), relative to drivers' licenses; to provide relative to the suspension of a driver's license for nonpayment of child support; and to provide for related matters.

HOUSE BILL NO. 1539—

BY REPRESENTATIVES PINAC, BRUCE, AND FRITH

AN ACT

To amend and reenact R.S. 37:3393, 3394(B)(1)(b), (D), (G), and (I), 3395(A), 3396(C) through (F), 3397, 3398(A)(introductory paragraph), (1), and (6), (B), (C), and (D), 3400, 3401(A), (B), and (C)(2) and (3)(c), 3403, 3405, 3406(A), (B), and (D), 3407(A)(1), (2), and (5) and (B), 3408(A), (B), (C)(introductory paragraph) and (1), (D)(introductory paragraph), (1), and (2),

and (F), 3409(A)(introductory paragraph) and (6) and (B) through (F), 3410, 3411, and 3413 and R.S. 48:443(A), to enact R.S. 37:3392(11) through (15), 3395(C) and (D), 3401(D), 3409(A)(8), (9), and (10), and to repeal R.S. 37:3392(5), (8), and (10), 3398(E), 3399, 3401(C)(1) and (3)(b), 3402, 3404, and 3406(C), relative to real estate appraisers; to provide for definitions; to provide for licensure of real estate appraiser trainees, residential certified real estate appraisers, and general certified real estate appraisers; to provide for the board and its powers and duties; to provide for applications and classes of licensure; to provide for examinations and education and experience requirements; to provide for license terms; to provide for nonresident licensees; to provide for renewals; to prohibit licensure to certain entities; to provide for the principal place of business of a licensee; to provide for the use and display of licenses; to provide for fees and disciplinary proceedings; to provide relative to standards, documents to be retained, false information, and penalties; and to provide for related matters.

HOUSE BILL NO. 1681—

BY REPRESENTATIVE FLAVIN

AN ACT

To amend and reenact R.S. 37:1449(A) and (B), relative to real estate; to require registrants to provide copies of certain documents to parties of real estate transactions; and to provide for related matters.

HOUSE BILL NO. 92—

BY REPRESENTATIVES PINAC, BALDONE, AND PEYCHAUD

AN ACT

To enact Chapter 8 of Code Title VII of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3195 through 3199, and R.S. 37:1455(A)(33), relative to real estate; to require certain disclosures; to provide for definitions; to provide for applicability; to provide for exemptions; to provide for the duties of the seller; to provide for conditions for termination of the real estate contract; to provide relative to information contained in the property disclosure document; to provide relative to the liability of the seller; to provide relative to the duties and liability of a real estate licensee; to provide for certain penalties for real estate licensees, registrants, and certificate holders; and to provide for related matters.

HOUSE BILL NO. 239—

BY REPRESENTATIVES DANIEL, KATZ, WALSWORTH, AND L. JACKSON

AN ACT

To amend and reenact R.S. 40:5.5(E) and to enact R.S. 40:5.5(G), relative to sanitary inspections; to change the definition of food service establishments for food safety certificates; and to provide for related matters.

HOUSE BILL NO. 988—

BY REPRESENTATIVES LEBLANC, PITRE, AND QUEZAIRE AND SENATOR MICHOT

AN ACT

To enact R.S. 40:1742.2, relative to mobility-impaired parking; to authorize parish governing authorities to grant variances in the times during which parking spaces are reserved at certain facilities; and to provide for related matters.

HOUSE BILL NO. 452—

BY REPRESENTATIVE FLAVIN

AN ACT

To enact R.S. 37:1446(H), relative to real estate licensees; to provide for factors to determine independent contractor status of salespersons and associate brokers; and to provide for related matters.

HOUSE BILL NO. 1343—

BY REPRESENTATIVE FLAVIN

AN ACT

To amend and reenact R.S. 37:1448, 1455(A)(11), 1457, and 1458 and to enact R.S. 37:1455(A)(33), 1456(C), and 1459, relative to licensing of real estate agents; to provide for penalties for unlicensed persons or persons whose license is suspended or revoked who engage in certain real estate activity; to provide for certain rules of procedure for administrative and judicial proceedings; and to provide for related matters.

HOUSE BILL NO. 1460—

BY REPRESENTATIVES TOOMY, CAPELLA, R. CARTER, DARTEZ, FAUCHEUX, GALLOT, HEATON, M. JACKSON, AND WELCH

AN ACT

To amend and reenact R.S. 26:932(5) and (7), 933(B)(introductory paragraph) and (C)(7), 934(5), 935(A), (B)(1)(a) and (2), and (C), and 939 and to enact R.S. 26:932(8) and (9), relative to the Responsible Vendor Program; to include the serving or selling of tobacco products in the program; to include holders of Retail Dealer Registration Certificates and Retail Dealer Permits in the program; to provide for definitions; to provide for suspension or revocation of a server's permit for selling or serving tobacco products to an underage person; to provide for exceptions to the suspension or revocation of a vendor's permit; and to provide for related matters.

HOUSE BILL NO. 706—

BY REPRESENTATIVES MARTINY AND SCHNEIDER

AN ACT

To enact R.S. 15:574.4(H)(4)(r), relative to conditions of parole; to provide that the Board of Parole may require additional conditions of parole; to provide for agreements to searches of the person, personal effects, property, place of residence, or vehicle of that person; to provide relative to the conducting of the searches; to provide that the searches may be conducted with or without a warrant of arrest or with or without a search warrant under certain conditions; and to provide for related matters.

HOUSE BILL NO. 1427—

BY REPRESENTATIVES POWELL, BAUDOUIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, MORRISH, JACK SMITH, AND STRAIN

AN ACT

To amend and reenact Part II-A of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:471 through 478 and R.S. 36:629(E)(6), relative to strawberries; to provide for the membership, powers, and duties of the Strawberry Marketing Board; to provide for assessments on the sale of strawberries; to provide for powers of the commissioner of agriculture and forestry; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 707—

BY REPRESENTATIVES MARTINY AND SCHNEIDER

AN ACT

To enact Code of Criminal Procedure Article 895(A)(13), relative to conditions of parole; to provide that the court may require certain additional conditions of probation; to provide for agreements to searches of the person, personal effects, property, place of residence, or vehicle of that person; to provide relative to conducting of the searches; to provide that the searches may be conducted with or without a warrant of arrest or with or without a search warrant under certain conditions; and to provide for related matters.

HOUSE BILL NO. 1353—

BY REPRESENTATIVES DOWNER, FAUCHEUX, MCDONALD, FUTRELL, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOUIN, BEARD, BOWLER, BROOME, BRUCE, CAPELLA, CRANE, CROWE, DAMICO, DANIEL, DARTEZ, DEWITT, DIEZ, DOERGE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FLAVIN, FRITH, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, HUTTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC,

MARTINY, MURRAY, NEVERS, ODINET, PIERRE, PINAC, PITRE, POWELL, QUEZAIRE, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, THOMPSON, TOWNSEND, TUCKER, WADDELL, WALKER, WALSWORTH, WELCH, AND WRIGHT AND SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 29:253(A)(2) and (3), relative to the Veterans' Affairs Commission; to provide for the nomination, appointment, and terms of office of the members; and to provide for related matters.

HOUSE BILL NO. 178—

BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 33:1448(G) and to enact R.S. 33:1448(K), relative to group insurance premiums; to provide for the payment of insurance premiums for retired sheriffs and deputy sheriffs in Terrebonne Parish; and to provide for related matters.

HOUSE BILL NO. 725—

BY REPRESENTATIVE BOWLER

AN ACT

To amend and reenact R.S. 22:636.1(B)(2), 636.2(D), 1466(A), and 1471 and to enact R.S. 22:636.2(E), 636.9, and 636.10, relative to the cancellation of insurance policies; to provide for property and casualty insurance; to provide for automobile insurance; to provide for homeowner's insurance; to provide for premiums, deductibles, and surcharges; and to provide for related matters.

HOUSE BILL NO. 567—

BY REPRESENTATIVE CRANE AND SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 17:45(A)(introductory paragraph) and (B) and to enact R.S. 17:45(A)(4) and (C), relative to promotions of teachers in special schools; to provide that a teacher promoted to a higher position shall not gain permanent status in the higher position; to require teacher certification and other endorsements for certain promotions; to provide exceptions; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

Messages from the House

The following Messages from the House were received and read as follows:

**House Bills and Joint Resolutions
on First Reading**

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE BILL NO. 23—

BY REPRESENTATIVE ILES

AN ACT

To name United States Highway 171, from the city of Lake Charles to the city of Shreveport, except for that portion named the Johnny B. Hall Memorial Highway, the Purple Heart Highway; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 69—

BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 32:1735(A), relative to the towing of motor vehicles; to provide relative to the selection of a licensed towing company; and to provide for related matters.

The bill was read by title; lies over under the rules.

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AN ACT

To enact Chapter 8 of Code Title VII of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3195 through 3199, and R.S. 37:1455(A)(33), relative to real estate; to require certain disclosures; to provide for definitions; to provide for applicability; to provide for exemptions; to provide for the duties of the seller; to provide for conditions for termination of the real estate contract; to provide relative to information contained in the property disclosure document; to provide relative to the liability of the seller; to provide relative to the duties and liability of a real estate licensee; to provide relative to other statutory disclosure obligations; to provide for certain penalties for real estate licensees, registrants, and certificate holders; and to provide for related matters.

The bill was read by title; lies over under the rules.

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AN ACT

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The bill was read by title; lies over under the rules.

HOUSE BILL NO. 567—

BY REPRESENTATIVE CRANE AND SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 17:45(A)(introductory paragraph) and (B) and to enact R.S. 17:45(A)(4) and (C), relative to promotions of teachers in special schools; to provide that a teacher promoted to a higher position shall not gain permanent status in the higher position; to require teacher certification and other endorsements for certain promotions; to provide exceptions; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 581—

BY REPRESENTATIVES DEWITT AND BRUCE

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To amend and reenact R.S. 33:4161, relative to public utilities; to include emergency medical services in the definition of revenue-producing public utility; and to provide for related matters.

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HOUSE BILL NO. 763—

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:1720(A), 1728.2(D)(introductory paragraph) and (E)(introductory paragraph), and 1728.3(D)(2) and (E)(introductory paragraph), relative to the Louisiana Towing and Storage Act; to provide relative to the mailing of certain notices; and to provide for related matters.

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HOUSE BILL NO. 1183—

BY REPRESENTATIVES PINAC, ALEXANDER, BAUDOUIN, BROOME, BRUCE, DANIEL, DURAND, FLAVIN, PIERRE, WALSWORTH, CROWE, DEVILLIER, FANNIN, FRITH, SCHWEGMANN, AND GARY SMITH AND SENATORS MICHOT, CRAVINS, AND HOYT

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To amend and reenact R.S. 37:1448, 1455(A)(11), 1457, and 1458 and to enact R.S. 37:1455(A)(33), 1456(C), and 1459, relative to licensing of real estate agents; to provide for penalties for unlicensed persons or persons whose license is suspended or

revoked who engage in certain real estate activity; to provide for certain rules of procedure for administrative and judicial proceedings; and to provide for related matters.

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HOUSE BILL NO. 1353—

BY REPRESENTATIVES DOWNER, FAUCHEUX, McDONALD, FUTRELL, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOUIN, BEARD, BOWLER, BROOME, BRUCE, CAPELLA, CRANE, CROWE, DAMICO, DANIEL, DARTEZ, DEWITT, DIEZ, DOERGE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FLAVIN, FRITH, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, HUTTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, MARTINY, MURRAY, NEVERS, ODINET, PIERRE, PINAC, PITRE, POWELL, QUEZAIRE, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, THOMPSON, TOWNSEND, TUCKER, WADDELL, WALKER, WALSWORTH, WELCH, AND WRIGHT AND SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 29:253(A)(2) and (3), relative to the Veterans' Affairs Commission; to provide for the nomination, appointment, and terms of office of the members; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1427—

BY REPRESENTATIVES POWELL, BAUDOUIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, MORRISH, JACK SMITH, AND STRAIN

AN ACT

To amend and reenact Part II-A of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:471 through 478 and R.S. 36:629(E)(6), relative to strawberries; to provide for the membership, powers, and duties of the Strawberry Marketing Board; to provide for assessments on the sale of strawberries; to provide for powers of the commissioner of agriculture and forestry; to provide for penalties; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1460—

BY REPRESENTATIVES TOOMY, CAPELLA, R. CARTER, DARTEZ, FAUCHEUX, GALLOT, HEATON, M. JACKSON, AND WELCH

AN ACT

To amend and reenact R.S. 26:932(5) and (7), 933(B)(introductory paragraph) and (C)(7), 934(5), 935(A), (B)(1)(a) and (2), and (C), and 939 and to enact R.S. 26:932(8) and (9), relative to the Responsible Vendor Program; to include the serving or selling of tobacco products in the program; to include holders of Retail Dealer Registration Certificates and Retail Dealer Permits in the program; to provide for definitions; to provide for suspension or revocation of a server's permit for selling or serving tobacco products to an underage person; to provide for exceptions to the suspension or revocation of a vendor's permit; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1539—

BY REPRESENTATIVES PINAC, BRUCE, AND FRITH

AN ACT

To amend and reenact R.S. 37:3393, 3394(B)(1)(b), (D), (G), and (I), 3395(A), 3396(C) through (F), 3397, 3398(A)(introductory paragraph), (1), and (6), (B), (C), and (D), 3400, 3401(A), (B), and (C)(2) and (3)(c), 3403, 3405, 3406(A), (B), and (D), 3407(A)(1), (2), and (5) and (B), 3408(A), (B), (C)(introductory paragraph) and (1), (D)(introductory paragraph), (1), and (2), and (F), 3409(A)(introductory paragraph) and (6) and (B) through (F), 3410, 3411, and 3413 and R.S. 48:443(A), to enact R.S. 37:3392(11) through (15), 3395(C) and (D), 3401(D), 3409(A)(8), (9), and (10), and to repeal R.S. 37:3392(5), (8),

and (10), 3398(E), 3399, 3401(C)(1) and (3)(b), 3402, 3404, and 3406(C), relative to real estate appraisers; to provide for definitions; to provide for licensure of real estate appraiser trainees, residential certified real estate appraisers, and general certified real estate appraisers; to provide for the board and its powers and duties; to provide for applications and classes of licensure; to provide for examinations and education and experience requirements; to provide for license terms; to provide for nonresident licensees; to provide for renewals; to prohibit licensure to certain entities; to provide for the principal place of business of a licensee; to provide for the use and display of licenses; to provide for fees and disciplinary proceedings; to provide relative to standards, documents to be retained, false information, and penalties; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1681—

BY REPRESENTATIVE FLAVIN

AN ACT

To amend and reenact R.S. 37:1449(A) and (B), relative to real estate; to require registrants to provide copies of certain documents to parties of real estate transactions; and to provide for related matters.

The bill was read by title; lies over under the rules.

House Bills and Joint Resolutions on Second Reading to be Referred

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

HOUSE BILL NO. 504—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 15:1111(I), relative to the work release program; to provide that a person convicted of distribution or possession with intent to distribute certain amounts of cocaine or marijuana may be eligible to participate in the work release program; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary B.

HOUSE BILL NO. 505—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 15:893.1, relative to assignment of inmates to Work Training Facility North; to provide that persons convicted of certain violations of the Uniform Controlled Dangerous Substances Law are eligible for assignment; to repeal obsolete provisions; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary B.

HOUSE BILL NO. 508—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 15:571.3(D), relative to diminution of sentence for good behavior; to delete provisions which prohibit certain inmates from being eligible to receive a diminution of sentence for good behavior; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary B.

HOUSE BILL NO. 618—

BY REPRESENTATIVE FLAVIN

AN ACT

To amend and reenact R.S. 22:1460, relative to insurance agents; to specify the manner in which certain life and health insurance agents may obtain information from applicants; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Insurance.

HOUSE BILL NO. 853—

BY REPRESENTATIVES FARRAR, R. CARTER, FAUCHEUX, HEATON, AND WELCH

AN ACT

To enact R.S. 13:996.60, relative to judicial expense fund accounts of the various district courts; to permit interest earned on money in other accounts of the district court to be deposited into the judicial expense fund account; to provide for an exception; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 923—

BY REPRESENTATIVES HUNTER, WALSWORTH, AND KATZ

AN ACT

To enact R.S. 33:4561.1, relative to naming a civic center theater; to authorize the governing authority in certain municipalities to name a civic center theater in honor of a former living mayor of the municipality; to provide limitations; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 942—

BY REPRESENTATIVES DOWNER, CAPELLA, R. CARTER, FAUCHEUX, AND WELCH

AN ACT

To amend and reenact R.S. 14:329.6(E), R.S. 29:1, 5(A), (B), (C), (D), and (H), 6, 7, 721, 722(A)(introductory paragraph), (1), (3), and (4) and (B), 723(1), 724(C) and (F), 725, 726(A) and (B)(introductory paragraph), (10), (11), and (12), (C), (D), (E)(6) and (9), and (F), 727(A), (B), (C), and (H), 728(A), (C), (D), and (F), 729(A), (B)(introductory paragraph), (6), (10), and (11), (C), (D), and (E)(6), 730(A) and (B), 730.1, 731, 733.1, 735(A), 737(C), (D), and (E), and 751(introductory paragraph) and the second and third undesignated paragraphs of Article I, the first and third undesignated paragraphs of Article II, Article III(A)(1) and (2), (B)(1), and (C), and Articles IV and X, R.S. 30:2458(A)(9), R.S. 45:841(2) and (5), 842, 843(A)(1) and (2), and 844, and R.S. 49:853(4), to enact R.S. 14:329.6(G), R.S. 29:723(3.1) and (6) and R.S. 29:726(B)(14) and (15), to repeal the existing R.S. 29:7.1, and to redesignate R.S. 29:7.2 as R.S. 29:7.1, relative to military affairs; to provide for the office of homeland security and emergency preparedness; to provide for the redesignation of the office of emergency preparedness as the office of homeland security and emergency preparedness within the Military Department, and to redesignate references in accordance therewith; to redesignate Chapter 6 of Title 29 of the Louisiana Revised Statutes as the "Louisiana Homeland Security and Emergency Assistance and Disaster Act" and to include references to homeland security; to provide for the authority and responsibilities of the office; to provide for definitions; to delete certain mandatory reimbursements between political subdivisions during certain emergencies; to provide for the composition of the Military Department; to provide for the activation of the militia during public emergencies; to provide for authority of national guardsmen and military police during certain emergencies, including homeland security purposes; to redesignate parish, local, and interjurisdictional emergency

preparedness agencies as homeland security and emergency preparedness agencies; to redesignate references to emergency preparedness agencies within provisions applicable to emergency alert services; to include acts of terrorism as emergencies, disasters for purposes of homeland security and emergency preparedness and the operation of government during interim emergencies; to revise the Southern Regional Emergency Management and Assistance Compact to include provisions for homeland security and emergency preparedness; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

HOUSE BILL NO. 968—

BY REPRESENTATIVES ARNOLD AND TUCKER
AN ACT

To amend and reenact R.S. 33:2740.27(D)(introductory paragraph), (1), and (2), relative to the Algiers Development District; to provide relative to the membership of the board of commissioners; to provide relative to the qualifications, appointment, and service of board members; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 971—

BY REPRESENTATIVE CRANE
AN ACT

To amend and reenact R.S. 17:2112(A)(1), relative to testing pupils' sight and hearing; to provide for conducting such testing by city, parish, and other local public school boards; to provide guidelines and timelines for such testing; to provide for applicability; to provide for exceptions; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Education.

HOUSE BILL NO. 1041—

BY REPRESENTATIVES CAZAYOUX AND BRUCE
AN ACT

To enact R.S. 39:1786(A)(10), relative to the powers of the Louisiana Correctional Facilities Corporation; to authorize the corporation to alienate or sell any properties acquired by the corporation but which have not been used for the purposes of financing and acquisition of correctional facilities for lease to the state of Louisiana; to provide for an effective date; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 1209—

BY REPRESENTATIVE CAPELLA
AN ACT

To enact R.S. 22:2034, relative to insurance; to provide for dental referral plans; to provide for penalties; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Insurance.

HOUSE BILL NO. 1284—

BY REPRESENTATIVES TOOMY, ANSARDI, CAPELLA, DAMICO, LANCASTER, AND MARTINY
AN ACT

To amend and reenact R.S. 13:2562.24(D) and to enact R.S. 13:2562.24(E), relative to the First and Second Parish Courts of Jefferson Parish; to authorize the Jefferson Parish Council and the judges of the courts to provide for a security service charge

fee on each filing in the First and Second Parish Courts of Jefferson Parish; to authorize the fee to be used to defray the cost of the purchase, operation, and maintenance of courtroom security devices; to authorize any excess in fees generated to be used to defray the cost of other judicial equipment, facilities, building new facilities, or payment of any bond indebtedness; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 1312—

BY REPRESENTATIVES GLOVER, BAYLOR, AND JANE SMITH
AN ACT

To enact R.S. 33:1976, relative to naming certain fire department facilities; to authorize the municipal governing authority in certain municipalities to name the central fire station and related facilities in honor of a former fire chief; to provide limitations; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 1368—

BY REPRESENTATIVES THOMPSON, HILL, LAFLEUR, MORRISH, BAUDOUIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, JACK SMITH, AND STRAIN
AN ACT

To amend and reenact R.S. 3:1313(C)(1) and to repeal R.S. 3:1317(4), relative to fertilizer fees; to increase such fees and to provide for their use; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Agriculture.

HOUSE BILL NO. 1383—

BY REPRESENTATIVE DURAND
AN ACT

To amend and reenact Code of Criminal Procedure Article 279, relative to extradition costs and expenses; to provide that a person's commercial surety shall pay the expenses of extradition; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 1396—

BY REPRESENTATIVES THOMPSON, HILL, LAFLEUR, MORRISH, BAUDOUIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, JACK SMITH, AND STRAIN
AN ACT

To amend and reenact R.S. 3:3210(C)(5), 3221(A), and 3251, relative to pesticide fees; to provide for increases in various registration, licensing, and certification fees; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Agriculture.

HOUSE BILL NO. 1398—

BY REPRESENTATIVES THOMPSON, HILL, LAFLEUR, MORRISH, BAUDOUIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, JACK SMITH, AND STRAIN
AN ACT

To amend and reenact R.S. 3:749(A) and to enact R.S. 3:749(C) and (D), relative to Livestock Brand Commission fees; to increase certain Livestock Brand Commission fees; to authorize the Livestock Brand Commission to charge fees for certain services; to create the Livestock Brand Commission Fund; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Agriculture.

HOUSE BILL NO. 1400—

BY REPRESENTATIVES THOMPSON, HILL, LAFLEUR, MORRISH, BAUDOIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, JACK SMITH, AND STRAIN

AN ACT

To amend and reenact R.S. 3:2305(D), 2307(C), and 2311, relative to apiary fees; to provide for apiary registration and inspection fees; to provide for disposition of such fees; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Agriculture.

HOUSE BILL NO. 1499—

BY REPRESENTATIVES PITRE, DURAND, BAUDOIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, MORRISH, JACK SMITH, AND STRAIN

AN ACT

To enact R.S. 3:4617(D) and (E), relative to the labeling of food products; prevents advertisement or sale of certain food products; provides relative to the definition of "cajun"; restricts use of the term "cajun" in advertising certain food products; prohibits deceptive packaging; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Agriculture.

HOUSE BILL NO. 1530—

BY REPRESENTATIVES THOMPSON, KENNEY, BAUDOIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, MORRISH, JACK SMITH, AND STRAIN

AN ACT

To amend and reenact R.S. 3:1614(C) and 1617(A) and to enact R.S. 3:1614(D), relative to cotton; to provide for the holding of referendums to terminate or modify boll weevil assessments; to provide relative to liens on cotton for payment of assessment; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Agriculture.

Rules Suspended

Senator Hoyt asked for and obtained a suspension of the rules for the purpose of taking up at this time.

**Senate Bills and Joint Resolutions
to be Referred, Subject to Call**

The following Senate Bills and Joint Resolutions to be referred, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Hoyt asked that Senate Bill No. 471 be called from the Calendar at this time.

SENATE BILL NO. 471—

BY SENATORS HOYT, THEUNISSEN AND THOMAS AND REPRESENTATIVE CRANE

AN ACT

To amend and reenact R.S. 9:154(A)(15) and (C), R.S. 17:3092(1) and (12), 3095(A)(1)(b) and (c), 3096(C), 3098(B)(2), and 3129.4(C)(1), and R.S. 44:4.1(8), and to enact R.S. 9:154(A)(16), R.S. 17:3093(D)(1)(i), 3096(A)(1)(e) and (E)(3)(d), 3098(B)(3), and R.S. 47:1205(D), relative to the Student Tuition Assistance and Revenue Trust Program; to provide for administration of the program; to provide for certain education savings accounts to be presumed as abandoned property; to provide for and expand program participation; to provide for interest on accounts; to provide for refunds upon

termination; to provide for the designation of beneficiaries; to exclude certain records pertaining to education savings accounts from the public records law; to revise the taxable state income exclusion; to allow certain deposits over five years to be excluded from the state gift tax; and to provide for related matters.

Floor Amendments Sent Up

Senator Hoyt sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hoyt to Original Senate Bill No. 471 by Senator Hoyt

AMENDMENT NO. 1

On page 1, line 3, delete "3095(A)(1)(b) and (c),"

AMENDMENT NO. 2

On page 1, line 5, after "(E)(3)(d)," insert "and" and after "3098(B)(3)" delete "and R.S. 47:1205(D),"

AMENDMENT NO. 3

On page 1, line 12, after "law;" delete the remainder of the line, delete line 13, and on line 14, delete "to be excluded from the state gift tax;"

AMENDMENT NO. 4

On page 3, line 14, after "(12)," delete "3095(A)(1)(b) and (c),"

AMENDMENT NO. 5

On page 4, delete lines 18 through 27 and on page 5, delete lines 1 through 27, and on page 6, delete lines 1 through 6

AMENDMENT NO. 6

On page 11, delete lines 10 through 27

AMENDMENT NO. 7

On page 7, change "Section 5." to "Section 4."

On motion of Senator Hoyt, the amendments were adopted.

On motion of Senator Hoyt, the amended bill was read by title ordered engrossed and referred to the Committee on Education.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON**FINANCE**

Senator Dardenne, Chairman on behalf of the Committee on Finance, submitted the following report:

April 22, 2003

To the President and Members of the Senate:

I am directed by your Committee on Finance to submit the following report:

SENATE BILL NO. 346—

BY SENATORS DARDENNE AND SCHEDLER

AN ACT

To amend and reenact R.S. 15:603(8), (9), (10), and (11), and 609(A), (B), and (C) and the Code of Criminal Procedure Art. 572 and to enact R.S. 15:603(12) and (13) and 609(F), (G), (H),

and (I) relative to DNA detection of sexual and violent offenders; to provide relative to the collection of DNA samples from certain offenders; to provide for definitions; to add certain offenses to crimes requiring the collection of such samples; to provide relative to juvenile offenders; to require DNA samples collection of such offenders under certain conditions; to require DNA sample collection after interstate transfer of offenders under certain conditions; to prohibit the invalidation of a database match under certain circumstances; to provide relative to the limitation of the prosecution of noncapital offenses; to provide for exceptions to such limitations; to require retroactivity of such exceptions; to authorize the use of force under certain circumstances; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1148—

BY REPRESENTATIVE ERDEY

AN ACT

To amend and reenact Section 9(B)(12) of Act No. 73 of the 2002 Regular Session of the Louisiana Legislature, relative to the Revenue Sharing Fund; to provide with respect to certain distributions in Livingston Parish for Fiscal Year 2002-2003; to provide for the retroactive application of this Act; to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,
JAY DARDENNE
Chairman

REPORT OF COMMITTEE ON

LABOR AND INDUSTRIAL RELATIONS

Senator C. Jones, Chairman on behalf of the Committee on Labor and Industrial Relations, submitted the following report:

April 16, 2003

To the President and Members of the Senate:

I am directed by your Committee on Labor and Industrial Relations to submit the following report:

SENATE BILL NO. 270—

BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 23:1127(C)(3), relative to workers' compensation; to provide with respect to medical examinations; to provide for release of medical information to an employee; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
CHARLES D. JONES
Chairman

REPORT OF COMMITTEE ON

EDUCATION

Senator Theunissen, Chairman on behalf of the Committee on Education, submitted the following report:

April 16, 2003

To the President and Members of the Senate:

I am directed by your Committee on Education to submit the following report:

SENATE BILL NO. 64—

BY SENATOR SMITH AND REPRESENTATIVE TOWNSEND

AN ACT

To amend and reenact R.S. 9:5701, relative to prescription; to provide a ten-year prescriptive period for educational debts owed to institutions of higher education; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 155—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 17:421.8(B), relative to school counselors; to provide relative to salary supplements for school counselors who hold a National Certified School Counselor credential issued by the National Board for Certified Counselors; to provide for verification; to require submission of certain documentation to the Department of Education by a certain date; to provide relative to the payment of the initial supplement; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 833—

BY SENATOR HOLDEN (BY REQUEST)

AN ACT

To enact R.S. 17:421.9, relative to school psychologists; to provide a salary supplement for certain public school psychologists that have acquired certification by the National School Psychology Certification Board; to provide conditions and guidelines for receiving the supplement; to provide for payment; to provide for limitations; to provide for implementation only to the extent funds are appropriated; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 847—

BY REPRESENTATIVES JOHN SMITH AND SALTER

AN ACT

To enact R.S. 17:1603, to designate a building on the Leesville/Fort Polk campus of Northwestern State University as the "Chester Creighton Owen Building"; and to provide for related matters.

Reported favorably.

Respectfully submitted,
GERALD J. THEUNISSEN
Chairman

REPORT OF COMMITTEE ON

NATURAL RESOURCES

Senator Romero, Chairman on behalf of the Committee on Natural Resources, submitted the following report:

April 16, 2003

To the President and Members of the Senate:

I am directed by your Committee on Natural Resources to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 19—

BY SENATOR MCPHERSON

A CONCURRENT RESOLUTION

To establish a study commission to develop a plan for achieving reliable long-term funding for the Louisiana Department of Wildlife and Fisheries.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 20—
BY SENATOR MCPHERSON

A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to research and document the number of ducks in federal refuges in the Mississippi Flyway.

Reported favorably.

SENATE BILL NO. 47—
BY SENATOR MCPHERSON

A JOINT RESOLUTION

Proposing to add Article I, Section 27 of the Constitution of Louisiana, relative to the declaration of rights; to preserve the freedom to hunt, fish and trap, subject to reasonable regulation, restriction, or prohibition imposed pursuant to law; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments.

SENATE BILL NO. 463—
BY SENATOR MCPHERSON

AN ACT

To authorize and provide for the transfer of certain state property, together with all buildings and improvements thereon, located in Rapides Parish, to the Department of Culture, Recreation and Tourism; to require completion of certain conditions prior to transfer; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 597—
BY SENATOR MCPHERSON

AN ACT

To authorize and provide for the state, through the division of administration, to transfer a certain tract of land situated in Rapides Parish to the England Economic and Industrial Development District; to provide for preparation of documents; to provide certain terms and conditions; to provide for effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,
CRAIG F. ROMERO
Chairman

REPORT OF COMMITTEE ON

LOCAL AND MUNICIPAL AFFAIRS

Senator Bajoie, Chairman on behalf of the Committee on Local and Municipal Affairs, submitted the following report:

April 16, 2003

To the President and Members of the Senate:

I am directed by your Committee on Local and Municipal Affairs to submit the following report:

SENATE BILL NO. 76—
BY SENATOR ELLINGTON

AN ACT

To enact R.S. 33:1448(K), relative to public officers; to provide with respect to sheriffs; to provide for group insurance for sheriffs and deputy sheriffs; to require the sheriff of LaSalle Parish to pay certain premium costs of specified group insurance for certain retired employees; to provide limitations; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 260—
BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 33:130.202(A)(3),(4),(5),(6), and (7), and (G), and 130.210(A)(1) and to repeal R.S. 33:130.202(A)(8), 130.210(A)(3), and 130.211, relative to parish development boards; to provide for revisions to the LaSalle Economic Development District; to provide for changes among the district's commissioners; to establish a quorum, to remove restrictions upon the district's authority; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 826—
BY SENATOR C. JONES

AN ACT

To enact Subpart D-1 of Part I of Chapter 14 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:4770.1 through 4770.16, relative to the removal of dilapidated structures and noxious matters within the city of Monroe, to provide definitions, to provide for notification; to provide for the reporting of such structures; to provide for the liability of city council members and others; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 846—
BY SENATOR ELLINGTON

AN ACT

To enact R.S. 33:2740.55, relative to special taxing districts in the town of Columbia; to provide for the creation of a downtown development district; to provide for an eight member board to govern the district; to provide for the duties of the board; to establish the boundaries and duties of the district; to authorize the district to levy taxes and issue bonds; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 847—
BY SENATOR ELLINGTON

AN ACT

To enact R.S. 33:2740.55, relative to special taxing districts in the town of Winnsboro; to provide for the creation of a downtown development district; to provide for an ten member board to govern the district; to provide for the duties of the board; to establish the boundaries and duties of the district; to authorize the district to levy taxes and issue bonds; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
DIANA E. BAJOIE
Chairwoman

Motion to Recommit

Senator Michot asked for and obtained a suspension of the rules and recommitted Senate Bill No. 742 from the Committee on Health and Welfare to the Committee on Judiciary A.

**Senate Bills and Joint Resolutions
on Second Reading**

The following Senate Bills and Joint Resolutions were taken up and acted upon as follows:

SENATE BILL NO. 1028 (Substitute for Senate Bill 321 by Senator Lentini) —

BY SENATOR LENTINI

AN ACT

To enact R.S. 33:2218.2(C)(8)(d), relative to law enforcement officers; to provide relative to supplemental pay for such persons; to provide for eligibility of certain elected police chiefs to receive such compensation; to provide for an effective date for the initiation of such compensation; and to provide for related matters.

On motion of Senator Lentini, the bill was read by title and ordered engrossed and passed to a third reading.

Special Order of the Day

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 1, was taken up and acted upon as follows:

SENATE BILL NO. 225—

BY SENATORS THEUNISSEN, BOISSIERE, CRAVINS, DARDENNE, DUPRE, FONTENOT, HAINKEL, IRONS, B. JONES, LAMBERT, LENTINI AND TARVER AND REPRESENTATIVES CRANE, K. CARTER, ALARIO, ALEXANDER, BRUNEAU, CROWE, DAMICO, DARTEZ, DEWITT, DIEZ, DOWNER, DOWNS, ERDEY, FLAVIN, FRUGE, HAMMETT, JOHNS, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, MCVEA, MONTGOMERY, MORRISH, NEVERS, PINAC, PITRE, SALTER, SCALISE, STELLY, STRAIN, TOWNSEND, WALKER, WALSWORTH AND WINSTON

A JOINT RESOLUTION

Proposing to amend Article VIII, Section 3(A), relative to the State Board of Elementary and Secondary Education; to empower the state board to supervise, manage, and operate or provide for the supervision, management, and operation of a public elementary or secondary school which has been determined to be failing; to empower the state board to receive, control, and expend certain funds; to provide that these authorities shall be in the manner provided by and accordance with law; to revise a reference to school boards that implies incorrect jurisdictional boundary limitations; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

On motion of Senator Theunissen, the bill was read by title and returned to the Calendar, subject to call.

Special Order of the Day

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 2, was taken up and acted upon as follows:

SENATE BILL NO. 710—

BY SENATORS THEUNISSEN, BOISSIERE, CRAVINS, DARDENNE, DUPRE, FONTENOT, HAINKEL, IRONS, B. JONES, LAMBERT, LENTINI AND TARVER AND REPRESENTATIVES CRANE, K. CARTER, ALARIO, ALEXANDER, BRUNEAU, CROWE, DAMICO, DARTEZ, DEWITT, DIEZ, DOWNER, DOWNS, ERDEY, FLAVIN, FRUGE, HAMMETT, JOHNS, LAFLEUR, LANCASTER, LEBLANC, MCVEA, MONTGOMERY, MORRISH, NEVERS, PINAC, PITRE, SALTER, SCALISE, STELLY, STRAIN, TOWNSEND, WALKER, WALSWORTH AND WINSTON

AN ACT

To amend and reenact R.S. 17:3983(A)(4)(a), 3991(H), and 3996(C), (G), and (H), to enact R.S. 17:10.5, Part VII of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1990, R.S. 17:3973(2)(b)(v), 3983(A)(2)(c) and (F), and 3991(B)(1)(d), and R.S. 36:651(F), and to repeal R.S. 17:3983(A)(5), relative to defining and providing for the management, supervision, and operation of failed public schools; to provide for a definition of a failed school; to provide for the duties and responsibilities of the State Board of Elementary and Secondary Education; to provide for the effect of a school being identified as a failed school; to establish and provide for governance and operation of the Recovery School District; to provide for the jurisdiction of the

district; to provide for the authority of the school district; to provide with regard to the funding for the operation of schools by the district; to provide with regard to the persons employed by certain school systems and by the district; to provide with regard to facilities; to establish and provide for a type 5 charter school; to eliminate the termination of the authority for certain chartering authorities to enter into certain types of charters; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Theunissen sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Theunissen to Engrossed Senate Bill No. 710 by Senator Theunissen

AMENDMENT NO. 1

On page 1, line 2, after "3991" insert "(C)(6) and"

AMENDMENT NO. 2

On page 2, line 2, change "type" to "Type"

AMENDMENT NO. 3

On page 2, line 7, after "3991" insert "(C)(6) and"

AMENDMENT NO. 4

On page 2, line 15, delete "At any time an" and insert "An"

AMENDMENT NO. 5

On page 2, line 17, after "entity" delete the remainder of the line and insert "which is academically unacceptable under a uniform statewide program of school accountability established pursuant to rules adopted by the State Board of Elementary and Secondary Education, referred to in this Section as "the state board", under the authority of law is"

AMENDMENT NO. 6

On page 2, deletes lines 18 and 19 and insert "a failed school. When a city, parish, or"

AMENDMENT NO. 7

On page 2, line 21, after "board" insert ", as required pursuant to such an accountability program"

AMENDMENT NO. 8

On page 3, lines 4 and 5, change "Definitions, procedures" to "Procedures" and delete "defining a failed school and for"

AMENDMENT NO. 9

On page 3, line 14, after "C." insert "(1)(a)"

AMENDMENT NO. 10

On page 3, line 19, after "entity," insert "When a school in the district is no longer academically unacceptable, the state board shall require the administering agency of the district to seek agreement for the return of the school."

AMENDMENT NO. 11

On page 3, line 19 before "Such" insert a paragraph and "(b)"

AMENDMENT NO. 12

On page 3, line 20, after "include" insert "all of the following:" and change "details" to "(i) Details"

AMENDMENT NO. 13

On page 3, line 22, after "entity," insert "including provisions for the continuation of the programs that have provided the basis for the academic achievement by the students." and change "provisions" to "(ii) Provisions"

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10th DAY'S PROCEEDINGS

AMENDMENT NO. 14

On page 3, line 25, change "district, and provisions" to "district. (iii) Provisions"

AMENDMENT NO. 15

On page 4, between lines 1 and 2, insert the following:

"(2)(a) Whenever a school has been transferred to the jurisdiction of the Recovery School District, has been operating pursuant to arrangements established by the Recovery School District for four years, and has failed to improve sufficiently to no longer be academically unacceptable, the state board shall either:

(i) Revoke all school approval.

(ii) Require the Recovery School District to terminate the operational arrangement and provide a different operational arrangement.

(iii) Return the school to the jurisdiction of the city, parish, or other local public school board or other public entity from which it was transferred.

(b)(i) However, the provisions of Subparagraph (a) of this Paragraph shall not apply if the performance of the school as measured by a school performance score pursuant to a uniform statewide program of school accountability established pursuant to rules adopted by the State Board of Elementary and Secondary Education has improved not less than twenty points during such four year period.

(ii) Additionally, the provisions of Subparagraph (a) of this Paragraph shall not apply in any subsequent four-year period during which a school continues to be academically unacceptable provided an improvement in the school performance score of not less than twenty additional points is achieved."

AMENDMENT NO. 16

On page 6, line 3, change "may" to "shall"

AMENDMENT NO. 17

On page 6, line 5, change "provisions" to "provision"

AMENDMENT NO. 18

On page 6, line 23, after "services" insert "if, prior to doing so, the district gives written notification to the city, parish, or other local public school board previously responsible for providing such services that such services shall no longer be provided by the board and setting forth the reasons for this determination"

AMENDMENT NO. 19

On page 8, line 7, after "service" insert "or which was actually expended by the school board for facilities acquisition and construction as reported to the state Department of Education"

AMENDMENT NO. 20

On page 9, between lines 9 and 10, insert the following:

"(3) Except for administrative costs, monies appropriated to the Recovery School District that are attributable to the transfer of a school from a prior school system and monies allocated or transferred from the prior system to the recovery district shall be expended solely on the operation of schools transferred from the prior system to the jurisdiction of the district."

AMENDMENT NO. 21

On page 9, line 23, change "type" to "Type"

AMENDMENT NO. 22

On page 10, line 17, change "type" to "Type"

AMENDMENT NO. 23

On page 11, line 15, after "recreation as" insert "statutory entities made a part of"

AMENDMENT NO. 24

On page 11, line 16, change "State Board of Elementary and Secondary" to "Department of"

AMENDMENT NO. 25

On page 12, line 7, change "type" to "Type"

AMENDMENT NO. 26

On page 12, line 10, change "type" to "Type"

AMENDMENT NO. 27

On page 12, line 20, change "type" to "Type"

AMENDMENT NO. 28

On page 13, line 3, change "type" to "Type"

AMENDMENT NO. 29

On page 13, line 19 after "F." insert "As it relates to Type 5 charters: (1)"

AMENDMENT NO. 30

On page 13, line 21 and 22, delete "of Type 5 charters"

AMENDMENT NO. 31

On page 13, between lines 22 and 23, insert the following:

"(2) No proposal for operating such a charter school shall be approved nor may such a school be operated by any person, whether a natural person or artificial entity, who or which has less than five years of significant experience, as determined by the state board, operating or working for or with a person who operates a public, private, or charter school, a public or private postsecondary institution, or a for-profit business or a non- or not-for-profit entity which provides academic instruction to students."

AMENDMENT NO. 32

On page 14, between lines 7 and 8, insert the following:

"C. A charter school shall:

* * *

(6) (a)(i) **Employ Except for Type 5 charter schools to which the requirements provided in Subparagraph (b) of this Paragraph apply,** employ teachers certified by the state board or the French Ministry of Education for at least seventy-five percent of the instructional staff employed by the charter school.

(b)(ii) The remaining portion of the instructional staff shall meet at least one of the following requirements and shall be subject to all provisions of state law relative to background checks applicable to the employment of public school personnel:

(i)(aa) Be authorized under law or state board regulation to teach temporarily while seeking a regular teaching certificate.

(ii)(bb) Have at least a bachelor's degree or at least ten year of experience related to the teaching position for which he is being hired, demonstrate exemplary skills in his field of expertise, and be providing instruction under the supervision of a certified teacher. Any individual who makes an application for employment under the Subparagraph Item shall be employed based on a determination of the applicant's qualifications by the charter school.

(b) **Type 5 charter schools shall:**

(i) **Beginning no later than the second school year of operation, have not less than the percentage of teachers certified by the state board than was the case in the school prior to its transfer to the Recovery School District.**

(ii) **Beginning no later than the third school year of operation, require that all teachers teaching core subjects, as defined by the state board by rule, be certified by the state board.**

(iii) **All other instructional staff employed in a type 5 charter school shall meet the same requirements as provided in Item (a)(ii) of this Paragraph.**

* * *

AMENDMENT NO. 33On page 14, line 8, change "type" to "~~type~~ Type"AMENDMENT NO. 34On page 14, line 10, change "type" to "~~type~~ Type"AMENDMENT NO. 35On page 14, line 12, change "type" to "~~type~~ Type"AMENDMENT NO. 36On page 14, line 23, change "type" to "~~type~~ Type" and change "~~type~~" to "Type"AMENDMENT NO. 37On page 15, line 1, change "type" to "~~type~~ Type"AMENDMENT NO. 38

On page 15, line 22, change "with" to "within"

AMENDMENT NO. 39

On page 16, line 4, after "Theunissen" insert "or House Bill No. 629 by Representative Crane"

On motion of Senator Theunissen, the amendments were adopted.

On motion of Senator Theunissen, the amended bill was read by title and returned to the Calendar, subject to call.

Rules Suspended

Senator Theunissen asked for and obtained a suspension of the rules for the purpose of taking up at this time.

**Senate Bills and Joint Resolutions on
Third Reading and Final Passage,
Subject to Call**

The following Senate Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Theunissen asked that Senate Bill No. 225 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 225—

BY SENATORS THEUNISSEN, BOISSIERE, CRAVINS, DARDENNE, DUPRE, FONTENOT, HAINKEL, IRONS, B. JONES, LAMBERT, LENTINI AND TARVER AND REPRESENTATIVES CRANE, K. CARTER, ALARIO, ALEXANDER, BRUNEAU, CROWE, DAMICO, DARTEZ, DEWITT, DIEZ, DOWNER, DOWNS, ERDEY, FLAVIN, FRUGE, HAMMETT, JOHNS, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, MCVEA, MONTGOMERY, MORRISH, NEVERS, PINAC, PITRE, SALTER, SCALISE, STELLY, STRAIN, TOWNSEND, WALKER, WALSWORTH AND WINSTON

A JOINT RESOLUTION

Proposing to amend Article VIII, Section 3(A), relative to the State Board of Elementary and Secondary Education; to empower the state board to supervise, manage, and operate or provide for the supervision, management, and operation of a public elementary or secondary school which has been determined to be failing; to empower the state board to receive, control, and expend certain funds; to provide that these authorities shall be in the manner provided by and accordance with law; to revise a reference to school boards that implies incorrect jurisdictional boundary limitations; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Senator Ellington in the Chair**Motion**

Senator Cravins moved the previous question on the entire subject matter.

Senator Dean objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Schedler
Boissiere	Hollis	Tarver
Cain	Hoyt	Theunissen
Chaisson	Irons	Thomas
Cravins	Michot	Ullo
Dupre	Mount	
Ellington	Romero	
Total—19		

NAYS

Adley	Gautreaux	Jones, CD
Bajoie	Heitmeier	Lentini
Barham	Hines	Malone
Dardenne	Holden	Marionneaux
Dean	Johnson	McPherson
Fields	Jones, B	Smith
Total—18		

ABSENT

Bean	Lambert
Total—2	

The Chair declared the previous question was called on the entire subject matter.

Mr. President in the Chair

The bill was read by title. Senator Theunissen moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Michot
Adley	Gautreaux	Mount
Barham	Hines	Romero
Boissiere	Hollis	Schedler
Cain	Hoyt	Smith
Chaisson	Irons	Tarver
Cravins	Johnson	Theunissen
Dardenne	Jones, B	Thomas
Dean	Lentini	Ullo
Dupre	Marionneaux	
Ellington	McPherson	
Total—31		

NAYS

Bajoie	Heitmeier	Jones, CD
Fields	Holden	Malone
Total—6		

ABSENT

Bean Lambert
Total—2

The Chair declared the bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Called from the Calendar

Senator Theunissen asked that Senate Bill No. 710 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 710—

BY SENATORS THEUNISSEN, BOISSIERE, CRAVINS, DARDENNE, DUPRE, FONTENOT, HAINKEL, IRONS, B. JONES, LAMBERT, LENTINI AND TARVER AND REPRESENTATIVES CRANE, K. CARTER, ALARIO, ALEXANDER, BRUNEAU, CROWE, DAMICO, DARTEZ, DEWITT, DIEZ, DOWNER, DOWNS, ERDEY, FLAVIN, FRÜGE, HAMMETT, JOHNS, LAFLEUR, LANCASTER, LEBLANC, MCVEA, MONTGOMERY, MORRISH, NEVERS, PINAC, PITRE, SALTER, SCALISE, STELLY, STRAIN, TOWNSEND, WALKER, WALSWORTH AND WINSTON
AN ACT

To amend and reenact R.S. 17:3983(A)(4)(a), 3991(H), and 3996(C), (G), and (H), to enact R.S. 17:10.5, Part VII of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1990, R.S. 17:3973(2)(b)(v), 3983(A)(2)(c) and (F), and 3991(B)(1)(d), and R.S. 36:651(F), and to repeal R.S. 17:3983(A)(5), relative to defining and providing for the management, supervision, and operation of failed public schools; to provide for a definition of a failed school; to provide for the duties and responsibilities of the State Board of Elementary and Secondary Education; to provide for the effect of a school being identified as a failed school; to establish and provide for governance and operation of the Recovery School District; to provide for the jurisdiction of the district; to provide for the authority of the school district; to provide with regard to the funding for the operation of schools by the district; to provide with regard to the persons employed by certain school systems and by the district; to provide with regard to facilities; to establish and provide for a type 5 charter school; to eliminate the termination of the authority for certain chartering authorities to enter into certain types of charters; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 710 by Senator Theunissen

AMENDMENT NO. 1

On page 4, line 26, following "Recovery" and before "District" insert "School"

AMENDMENT NO. 2

On page 10, line 10, following "the" and before "in" change "Recovery District" to "district"

AMENDMENT NO. 3

On page 10, line 26, at the beginning of the line and before "school" change "preexisting" to "pre-existing"

AMENDMENT NO. 4

On page 12, line 1, following "a" and before "public" change "preexisting" to "pre-existing"

AMENDMENT NO. 5

On page 12, line 11, following "the" and before "school" change "preexisting" to "pre-existing"

AMENDMENT NO. 6

On page 13, line 20, at the beginning of the line and before "(A)(3)(a)," change "Subsections" to "the provisions of"

On motion of Senator Lambert, the amendments were adopted.

Senator Ellington in the Chair

Floor Amendments Sent Up

Senator Heitmeier sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Heitmeier and Boissiere to Engrossed Senate Bill No. 710 by Senator Theunissen

AMENDMENT NO. 1

On page 2, line 4, after "charters;" insert " to provide for implementation as a pilot program;"

AMENDMENT NO. 2

On page 5, between lines 1 and 2, insert the following:

"F.(1) Notwithstanding any provision of this Section or Part VII of Chapter 8 of this Title, the exercise of the authority to transfer jurisdiction over an elementary or secondary school to the Recovery School District as provided in this Section shall be undertaken as a pilot program limited to not more than one elementary school, one junior high or middle school, and one high school to which the provisions of this Section would otherwise apply which has been selected as most in need of intervention by the state board.

(2) The state board shall continually monitor the implementation of this pilot program and shall conduct a periodic evaluation of the effectiveness of the transfer of such schools toward the goal of raising the academic achievement of the students in those schools.

(3) The state board shall report the results of the evaluations to the standing committees on education of the Senate and the House of Representatives not sooner than three years after the first school is transferred pursuant to this Section and not later than four years after such transfer. Based on the results reported to such committees, a recommendation shall be made to the members of the legislature to continue the pilot, repeal the authority entirely, or extend the authority statewide."

Senator Heitmeier moved adoption of the amendments.

Senator Theunissen objected.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Heitmeier	Malone
Boissiere	Holden	Marionneaux
Dean	Johnson	McPherson
Fields	Jones, CD	
Total—11		

NAYS

Mr. President	Fontenot	Michot
Barham	Gautreaux	Mount
Cain	Hines	Romero
Chaisson	Hollis	Schedler
Cravins	Hoyt	Smith

Dardenne
Dupre
Ellington
Total—24

Irons
Jones, B
Lentini

ABSENT

Theunissen
Thomas
Ullo

Bajoie
Bean
Total—4

Lambert
Tarver

The Chair declared the amendments were rejected.

Floor Amendments Sent Up

Senator Holden sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Holden to Engrossed Senate Bill No. 710 by Senator Holden

AMENDMENT NO. 1

On page 6, delete lines 22 through 23

Senator Holden moved adoption of the amendments.

Senator Theunissen objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie
Boissiere
Chaisson
Cravins
Ellington
Fields
Fontenot
Total—20

Heitmeier
Hines
Holden
Irons
Johnson
Jones, CD
Malone

Marionneaux
McPherson
Mount
Schedler
Thomas
Ullo

NAYS

Mr. President
Adley
Barham
Cain
Dardenne
Dean
Total—16

Dupre
Gautreaux
Hollis
Hoyt
Jones, B
Lentini

Michot
Romero
Smith
Theunissen

ABSENT

Bean
Total—3

Lambert

Tarver

The Chair declared the amendments were adopted.

Floor Amendments Sent Up

Senator Cravins sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cravins to Engrossed Senate Bill No. 710 by Senator Theunissen

AMENDMENT NO. 1

On page 4, line 13, after "Education" insert ", represented by the superintendent of the recovery school district,"

On motion of Senator Cravins, the amendments were adopted.

Floor Amendments Sent Up

Senator Johnson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Johnson to Engrossed Senate Bill No. 710 by Senator Theunissen

AMENDMENT NO. 1

On page 2, line 4, after "charters;" insert " to provide for the implementation of the authority to transfer certain schools;"

AMENDMENT NO. 2

On page 5, between lines 1 and 2, insert the following:

"F. Notwithstanding any provision of this Section or Part VII of Chapter 8 of this Title, the exercise of the authority to transfer jurisdiction over an elementary or secondary school to the Recovery School District as provided in this Section shall be undertaken in any city, parish, or other local public school system only after the voters in the jurisdiction of the school system has approved the exercise of such authority in the school system at an election has been called for such purpose by the State Board of Elementary and Secondary Education."

Senator Johnson moved adoption of the amendments.

Senator Theunissen objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie
Boissiere
Total—6

Fields
Heitmeier

Johnson
Jones, CD

NAYS

Mr. President
Adley
Barham
Cain
Chaisson
Cravins
Dardenne
Dean
Dupre
Ellington
Total—30

Fontenot
Gautreaux
Hines
Holden
Hollis
Hoyt
Irons
Jones, B
Lentini
Malone

Marionneaux
McPherson
Michot
Mount
Romero
Schedler
Smith
Theunissen
Thomas
Ullo

ABSENT

Bean
Total—3

Lambert

Tarver

The Chair declared the amendments were rejected.

Floor Amendments Sent Up

Senator Holden sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Holden to Engrossed Senate Bill No. 710 by Senator Theunissen

AMENDMENT NO. 1

In Senate Floor Amendments proposed by Senator Theunissen and adopted by the Senate on April 22, 2003, on page 3, delete lines 6 through 11

On motion of Senator Holden, the amendments were adopted.

Floor Amendments Sent Up

Senator C. Jones sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator C. Jones to Engrossed Senate Bill No. 710 by Senator Theunissen

AMENDMENT NO. 1

On page 7, line 13, after "C. (1)" insert "(a)"

AMENDMENT NO. 2

On page 7, between lines 23 & 24, insert the following: "(b) No public monies shall be used to discriminate against protected classes or have the effect of discriminating in providing and ensuring equal education opportunities in Louisiana."

AMENDMENT NO. 3

On page 11, between lines 12 & 13, insert the following:

"G. Notwithstanding any provision of this Part, the Recovery School District shall not violate any federal court order, judgment or consent decree."

AMENDMENT NO. 4

On page 11, line 13, change "G." to "H."

On motion of Senator C. Jones, the amendments were adopted.

The bill was read by title. Senator Theunissen moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Marionneaux
Adley	Gautreaux	McPherson
Barham	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cravins	Hoyt	Smith
Dardenne	Irons	Theunissen
Dean	Jones, B	Thomas
Dupre	Lentini	Ullo
Ellington	Malone	
Total—32		

NAYS

Bajoie	Johnson
Fields	Jones, CD
Total—4	

ABSENT

Bean	Lambert	Tarver
Total—3		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Rules Suspended

Senator Adley asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

April 22, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 44—

BY SENATOR IRONS

A CONCURRENT RESOLUTION

To join in "Celebrating the French Quarter", to proclaim April 22, 2003, as "New Orleans Day at the Legislature", and to provide for suitable observance of this special day.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 6—

BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To urge and request development of an ongoing association between the state of Louisiana and the province of Alberta, Canada.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 22—

BY SENATOR HAINKEL

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to appropriate for and expedite funding of state and local homeland security activities.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 42—

BY SENATOR FIELDS

A CONCURRENT RESOLUTION

To express sympathy and condolences of the legislature to the family of Earnestine Kinchen.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

**Introduction of Senate Bills
and Joint Resolutions**

Senator Adley asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Bills

and Joint Resolutions a first and second time and referring them to committee.

SENATE BILL NO. 1035—

BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 11:1732(14), relative to the Municipal Employees' Retirement System of Louisiana; to provide with respect to the definition of employer; to allow employees of planning and development commissions to join the retirement system; to provide for an effective date; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Retirement.

SENATE BILL NO. 1036—

BY SENATOR C. JONES

AN ACT

To enact R.S. 17:1383 through 1385, relative to school districts; to establish a Priority Education Zone; to provide for enrollment of school systems and enlistment of resource providers; to provide for the administration and operation of the Priority Education Zone; to provide relative to the Minimum Foundation Program; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Education.

SENATE BILL NO. 1037—

BY SENATOR HAINKEL

AN ACT

To enact Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4011 through 4014, relative to the Louisiana Parental Choice in Primary Education Program; to establish a program to pay the cost of private school tuition for four-year old early childhood education and kindergarten through third grade for certain eligible students; to provide for the eligibility of students; to provide requirements for participating schools; to provide for the responsibilities of the state Department of Education; to provide for implementation as a pilot program; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Education.

SENATE BILL NO. 1038—

BY SENATOR HINES

AN ACT

To enact R.S. 33:381(C)(27), relative to municipal officers, to provide that the town of Mansura shall appoint rather than elect their chief of police; to provide for the duties, qualifications, and responsibilities of the position; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

SENATE BILL NO. 1039—

BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 26:2(7), 71(A)(introductory paragraph), 80(C)(2), 85, 271(A)(introductory paragraph), 273(A)(2) through (5) and (B), and to enact R.S. 26:2(20), 71(D), and 271(C), relative to alcoholic beverages; to provide definitions; to require certain out of state manufacturers and suppliers to obtain a permit to deal in alcoholic beverages; to provide for requirements; to provide exemptions; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

SENATE BILL NO. 1040—

BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 26:2(7), 71(A)(introductory paragraph) and (1), 80(C)(2), 85, 271(A)(introductory paragraph) and (5), 273(A)(2) through (5) and (B), and to enact R.S. 26:2(20), relative to alcoholic beverages; to require certain persons to obtain a permit to deal in alcoholic beverages; to provide for requirements; to provide exemptions; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

SENATE BILL NO. 1041—

BY SENATOR IRONS

AN ACT

To amend and reenact R.S. 9:2440, relative to testaments; to provide for the continued validity of certain previously executed testaments; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

SENATE BILL NO. 1042—

BY SENATOR IRONS

AN ACT

To amend and reenact R.S. 17:121(A)(2), (B), and (C)(1) and to enact R.S. 17:121(A)(3), (4), and (5), relative to the Orleans Parish School Board; to provide for the appointment and membership of appointed members of the board; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Education.

**Introduction of Resolutions,
Senate and Concurrent**

Senator Adley asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 17—

BY SENATOR HOYT

A RESOLUTION

To commend and congratulate Ann Langlinais for thirty years of service and dedication to 4-H.

On motion of Senator Hoyt, the resolution was read by title and adopted.

SENATE RESOLUTION NO. 18—

BY SENATOR HOYT

A RESOLUTION

To create and provide for a special committee to study the feasibility and impact of requiring all school boards to participate in a single health insurance risk pool.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Education.

SENATE CONCURRENT RESOLUTION NO. 45—

BY SENATOR LAMBERT

A CONCURRENT RESOLUTION

To urge and request that Louisiana State University Health Sciences Center and Tulane University Medical Center cooperate with Aneurysm Outreach, Inc., by assisting in the provision of portable ultrasound technology and necessary staff to develop a system to provide aneurysm screening statewide.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Health and Welfare.

Senator Fields in the Chair

SENATE CONCURRENT RESOLUTION NO. 46—

BY SENATOR SMITH

A CONCURRENT RESOLUTION

To commend and congratulate Alexander Billioux on being awarded a Marshall Scholarship.

The resolution was read by title. Senator Smith moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Lentini
Adley	Fontenot	Malone
Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Michot
Cain	Holden	Mount
Chaisson	Hollis	Romero
Dardenne	Hoyt	Schedler
Dean	Irons	Smith
Dupre	Johnson	Thomas
Ellington	Jones, CD	Ullo
Total—33		

NAYS

Total—0

ABSENT

Bean	Jones, B	Tarver
Cravins	Lambert	Theunissen
Total—6		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 47—

BY SENATOR SMITH

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to provide an exemption to the Sherman Anti-Trust Act to allow small and medium sized United States based and owned lumber manufacturers to sell their products through company owned retail outlets.

On motion of Senator Adley, the resolution was read by title and referred to the Committee on Agriculture.

SENATE CONCURRENT RESOLUTION NO. 48—

BY SENATOR SMITH

A CONCURRENT RESOLUTION

To commend and congratulate Casey Crowder on her reign as Miss Louisiana 2002.

The resolution was read by title. Senator Smith moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Malone
Adley	Fontenot	Marionneaux
Bajoie	Gautreaux	McPherson
Barham	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Dardenne	Hoyt	Smith
Dean	Johnson	Ullo
Dupre	Jones, CD	
Ellington	Lentini	
Total—31		

NAYS

Total—0

ABSENT

Bean	Jones, B	Theunissen
Cravins	Lambert	Thomas
Irons	Tarver	
Total—8		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 49—

BY SENATOR HINES

A CONCURRENT RESOLUTION

To establish the Louisiana Diabetes Advisory Council as the entity that will provide statewide leadership to prevent diabetes, strive to continuously improve the lives of all Louisianians affected by diabetes mellitus, and reduce the burden of the disease.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Health and Welfare.

SENATE CONCURRENT RESOLUTION NO. 50—

BY SENATOR IRONS

A CONCURRENT RESOLUTION

To designate May 7, 2003 as "Louisiana Day to Prevent Teen Pregnancy and Score Big".

The resolution was read by title; lies over under the rules.

SENATE CONCURRENT RESOLUTION NO. 51—

BY SENATOR CHAISSON

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to study re-routing truck traffic from Jackson Street in the city of Thibodaux.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Transportation, Highways, and Public Works.

SENATE CONCURRENT RESOLUTION NO. 52—

BY SENATOR HOLDEN

A CONCURRENT RESOLUTION

To commend the players, coaches, and managerial personnel of the 2002-2003 Southern University Lab School Girls Basketball Team on winning the State 1-A Girls State Basketball Championship.

The resolution was read by title. Senator Holden moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Adley
Bajoie
Barham
Boissiere
Cain
Chaisson
Dardenne
Dean
Dupre
Ellington
Total—31

Fields
Fontenot
Gautreaux
Heitmeier
Hines
Holden
Hollis
Hoyt
Johnson
Jones, CD
Lentini

Malone
Marionneaux
McPherson
Michot
Mount
Romero
Schedler
Smith
Ullo

NAYS

Total—0

ABSENT

Bean
Cravins
Irons
Total—8

Jones, B
Lambert
Tarver

Theunissen
Thomas

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 53—

BY SENATOR HOLDEN

A CONCURRENT RESOLUTION

To commend the players, coaches, and managerial personnel of the 2002-2003 Southern University Lab School Boys Basketball Team on winning the State 1-A Boys State Basketball Championship.

The resolution was read by title. Senator Holden moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Adley
Bajoie
Barham
Boissiere
Cain
Chaisson
Dardenne
Dean
Dupre
Total—30

Ellington
Fields
Fontenot
Gautreaux
Heitmeier
Hines
Holden
Hollis
Hoyt
Jones, CD

Lentini
Malone
Marionneaux
McPherson
Michot
Mount
Romero
Schedler
Smith
Ullo

NAYS

Total—0

ABSENT

Bean
Cravins
Irons
Total—9

Johnson
Jones, B
Lambert

Tarver
Theunissen
Thomas

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

April 22, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 741—

BY REPRESENTATIVE DAMICO

AN ACT

To enact R.S. 30:2025(D), relative to enforcement of environmental violations; to provide for an expedited enforcement program for minor environmental violations; to authorize the secretary to promulgate rules and regulations to provide for termination of expedited enforcement program; and to provide for related matters.

HOUSE BILL NO. 742—

BY REPRESENTATIVE DAMICO AND SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 30:2012(D), relative to inspections of permitted facilities; to provide for the Department of Environmental Quality to implement an inspection strategy to ensure compliance by permitted facilities; to provide for the return of annual inspections requirements of permitted facilities; and to provide for related matters.

HOUSE BILL NO. 65—

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact Civil Code Article 2628, relative to immovable property; to provide for the reduction of terms for options and rights of first refusal exceeding ten years; and to provide for related matters.

HOUSE BILL NO. 829—

BY REPRESENTATIVE HAMMETT AND SENATOR BARHAM

AN ACT

To enact R.S. 49:191(14) and to repeal R.S. 49:191(12)(a), relative to the Department of Revenue including provisions; to provide for the re-creation of the Department of Revenue and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

HOUSE BILL NO. 1022—

BY REPRESENTATIVE DEVILLIER

AN ACT

To amend and reenact R.S. 14:27(B), relative to attempt to commit a crime; to provide for an attempt to commit the crime of arson; and to provide for related matters.

HOUSE BILL NO. 1023—

BY REPRESENTATIVE DEVILLIER

AN ACT

To enact R.S. 13:5304(B)(10.1), relative to eligibility for the drug division probation program; to provide that a prior conviction or adjudication for simple battery shall not be the sole basis for denying eligibility for the drug division probation program; and to provide for related matters.

HOUSE BILL NO. 1024—BY REPRESENTATIVE DEVILLIER
AN ACT

To amend and reenact Code of Criminal Procedure Article 881.1, relative to criminal sentences; to provide for the reconsideration of the sentence in felony and misdemeanor cases; to provide for the procedure to be used in filing a motion to reconsider a sentence; to provide for the time limit to file such motion; to provide for the form of the motion; to provide for a contradictory hearing; and to provide for related matters.

HOUSE BILL NO. 1025—BY REPRESENTATIVES DEVILLIER AND BRUCE
AN ACT

To amend and reenact R.S. 14:93.2.1(B)(2), relative to child desertion; to change the criminal penalties for a second or subsequent conviction of child desertion; and to provide for related matters.

HOUSE BILL NO. 1181—BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 51:911.22(6) through (11), 911.26(F)(4) and (I), 911.28(A)(1), (2), (3), (4), (8), (9), and (10), 911.39, and 912.27(A) and (C), to enact R.S. 51:911.22(12), 911.24(J), (K), and (L), 911.26(B)(4) and (F)(8) and (9), and 912.31, and to repeal R.S. 51:911.28(C), relative to manufactured housing; to provide for definitions; to provide for the licensing of manufactured home brokers; to provide for an increase in certain fees; to provide for certain educational and insurance requirements; to provide for recusal of members of the Louisiana Manufactured Housing Commission; to provide for certain additional powers of the commission; to provide relative to penalties for violation of law and rules; and to provide for related matters.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

House Bills and Joint Resolutions

Senator Lambert asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just received from the House of Representatives with the view of acting on the same:

HOUSE BILL NO. 65—BY REPRESENTATIVE JOHNS
AN ACT

To amend and reenact Civil Code Article 2628, relative to immovable property; to provide for the reduction of terms for options and rights of first refusal exceeding ten years; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 741—BY REPRESENTATIVE DAMICO
AN ACT

To enact R.S. 30:2025(D), relative to enforcement of environmental violations; to provide for an expedited enforcement program for minor environmental violations; to authorize the secretary to promulgate rules and regulations to provide for termination of expedited enforcement program; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 742—BY REPRESENTATIVE DAMICO AND SENATOR FONTENOT
AN ACT

To amend and reenact R.S. 30:2012(D), relative to inspections of permitted facilities; to provide for the Department of Environmental Quality to implement an inspection strategy to ensure compliance by permitted facilities; to provide for the return of annual inspections requirements of permitted facilities; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 829—BY REPRESENTATIVE HAMMETT AND SENATOR BARHAM
AN ACT

To enact R.S. 49:191(14) and to repeal R.S. 49:191(12)(a), relative to the Department of Revenue including provisions; to provide for the re-creation of the Department of Revenue and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1022—BY REPRESENTATIVE DEVILLIER
AN ACT

To amend and reenact R.S. 14:27(B), relative to attempt to commit a crime; to provide for an attempt to commit the crime of arson; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1023—BY REPRESENTATIVE DEVILLIER
AN ACT

To enact R.S. 13:5304(B)(10.1), relative to eligibility for the drug division probation program; to provide that a prior conviction or adjudication for simple battery shall not be the sole basis for denying eligibility for the drug division probation program; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1024—BY REPRESENTATIVE DEVILLIER
AN ACT

To amend and reenact Code of Criminal Procedure Article 881.1, relative to criminal sentences; to provide for the reconsideration of the sentence in felony and misdemeanor cases; to provide for the procedure to be used in filing a motion to reconsider a sentence; to provide for the time limit to file such motion; to provide for the form of the motion; to provide for a contradictory hearing; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1025—BY REPRESENTATIVES DEVILLIER AND BRUCE
AN ACT

To amend and reenact R.S. 14:93.2.1(B)(2), relative to child desertion; to change the criminal penalties for a second or subsequent conviction of child desertion; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1181—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 51:911.22(6) through (11), 911.26(F)(4) and (I), 911.28(A)(1), (2), (3), (4), (8), (9), and (10), 911.39, and 912.27(A) and (C), to enact R.S. 51:911.22(12), 911.24(J), (K), and (L), 911.26(B)(4) and (F)(8) and (9), and 912.31, and to repeal R.S. 51:911.28(C), relative to manufactured housing; to provide for definitions; to provide for the licensing of manufactured home brokers; to provide for an increase in certain fees; to provide for certain educational and insurance requirements; to provide for recusal of members of the Louisiana Manufactured Housing Commission; to provide for certain additional powers of the commission; to provide relative to penalties for violation of law and rules; and to provide for related matters.

The bill was read by title; lies over under the rules.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

April 22, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 116—

BY REPRESENTATIVE BALDONE

A CONCURRENT RESOLUTION

To urge and request the governor and the commissioner of administration to take the necessary steps to enable the state of Louisiana to purchase Elmer's Island in Jefferson Parish.

HOUSE CONCURRENT RESOLUTION NO. 117—

BY REPRESENTATIVE TOWNSEND

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to provide an exemption to the Sherman Anti-Trust Act to allow small and medium sized United States based and owned lumber manufacturers to sell their products through company-owned retail outlets.

HOUSE CONCURRENT RESOLUTION NO. 118—

BY REPRESENTATIVE SALTER

A CONCURRENT RESOLUTION

To commend the Louisiana Work Force Commission and the Inter-agency Collaborative and to support Work Ready! Certificates.

HOUSE CONCURRENT RESOLUTION NO. 119—

BY REPRESENTATIVES CRANE, GLOVER, ILES, MCVEA, JANE SMITH, JOHN SMITH, TUCKER, AND WALSWORTH AND SENATORS DARDENNE, BEAN, CAIN, DEAN, HOLDEN, B. JONES, AND MALONE

A CONCURRENT RESOLUTION

To commend the recipients of the 2003 Young Heroes awards.

HOUSE CONCURRENT RESOLUTION NO. 120—

BY REPRESENTATIVE BOWLER

A CONCURRENT RESOLUTION

To urge and request the state legislatures in the United States to oppose legislation to participate in Interstate Insurance Product Regulation Compact.

HOUSE CONCURRENT RESOLUTION NO. 121—

BY REPRESENTATIVE BEARD

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to limit the appellate jurisdiction of the federal courts regarding the recitation of the Pledge of Allegiance in public schools.

HOUSE CONCURRENT RESOLUTION NO. 122—

BY REPRESENTATIVE K. CARTER

A CONCURRENT RESOLUTION

To join in "Celebrating the French Quarter", to proclaim April 22, 2003, as New Orleans Day at the legislature, and to provide for suitable observance of this special day.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

REVENUE AND FISCAL AFFAIRS

Senator Barham, Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

April 22, 2003

To the President and Members of the Senate:

I am directed by your Committee on Revenue and Fiscal Affairs to submit the following report:

SENATE BILL NO. 551—

BY SENATOR B. JONES

AN ACT

To amend and reenact R.S. 36:459(A), R.S. 47:301(2), (3)(b), introductory paragraph of (4), (4)(a), (b), (c), (h), (j), and (l), (10)(b) and (c), (14)(g)(i), (15), and (19), R.S. 47:305(A), (D)(1), (2), (3), and (4), (E), (F), and (G), 305.1(A) and (B), 305.3, 305.6, 305.7, 305.8, 305.13, 305.14(A), and 305.19, to enact R.S. 47:301(25), (26), and (27), and Chapter 2D of Subtitle II of Title 47 of the Louisiana Revised Statutes to be comprised of R.S. 47:337.1 through 337.87, and R.S. 36:459(H), and to repeal R.S. 33:2713.1, 2716, 2716.1, 2716.2, 2717, 2718, 2718.1, 2718.2, 2718.3, 2718.4, 2718.5, 2719, 2720, 2720.1, 2737(G), 2741.1, 2747, 2842, 2844, 2844.1, 2844.2, 2845, 2845.1, 2846, and 2847, and R.S. 47:1515, relative to the sales and use tax of political subdivisions; to enact a uniform local sales tax code; to provide for the levy, collection, enforcement, and administration of local sales and use taxes; to provide for certain civil and criminal penalties; to provide for construction and interpretation of the code; to prohibit the state from assuming collection of local sales and use taxes; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 835—

BY SENATOR B. JONES

AN ACT

To enact R.S. 47:16.18, relative to the Tax Court; to require the court to establish fees for services rendered by the court and its small claims division; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 952—
BY SENATOR B. JONES

AN ACT

To amend and reenact R.S. 36:458(F), R.S. 47:15(14), 1401, 1481, 1508.1(B), 1561, 1565, 1566(C), 1567, 1580(A)(3), 1621(F), 1621.1(A), 1625, 1626, 1627, 1688, and 1689, the heading of R.S. 47:1621.1, and R.S. 49:967(A) and 992(D)(1); to enact R.S. 36:4(B)(1)(r) and Chapter 3 of Subtitle I of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:16 through 16.55, and R.S. 49:992(D)(9); and to repeal R.S. 47:1407(1) and (4) and Part II of Chapter 17 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:1431 through 1438, relative to administrative proceedings concerning taxes, fees, and claims against the state; to create and provide for the Tax Court as an administrative agency in the office of the governor and the judges of Tax Court; to provide for a small claims division of the Tax Court and the magistrate thereof; to revise provisions concerning the Board of Tax Appeals; to provide for judicial review of Tax Court decisions; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 267—
BY REPRESENTATIVE FRITH

AN ACT

To amend and reenact R.S. 47:302.23(B), relative to the hotel/motel sales tax dedications in Vermilion Parish; to correct the name of an entity to which funds are allocated; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1010—
BY REPRESENTATIVE HAMMETT
AN ACT

To amend and reenact R.S. 47:633(9)(d)(i), (ii), and (iii), to change the source of price data used to annually adjust the severance tax rate on natural gas, natural gasoline, casinghead gasoline, and other natural gas "liquids"; to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,
ROBERT J. BARHAM
Chairman

Rules Suspended

Senator McPherson asked for and obtained a suspension of the rules for the purpose of recalling Senate Concurrent Resolution No. 36 from the Committee on Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 36—
BY SENATOR MCPHERSON
A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to research and document the number of ducks in federal refuges in the Mississippi Flyway.

On motion of Senator McPherson, the resolution was read by title and withdrawn from the files of the Senate.

**Privilege Report of the Committee on
Senate and Governmental Affairs**

ENROLLMENTS

Senator Ullo, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

April 22, 2003

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 40—

BY SENATORS ROMERO, BAJOE, BARHAM, BOISSIERE, CHAISSON, CRAVINS, DARDENNE, DUPRE, ELLINGTON, FIELDS, GAUTREAUX, HAINKEL, HEITMEIER, HINES, HOLLIS, HOYT, C. JONES, LAMBERT, LENTINI, MALONE, MICHOT, MOUNT, SCHEDLER, SMITH, THEUNISSEN, THOMAS AND ULLO

A CONCURRENT RESOLUTION

To commend McIlhenny Company and the president and chief executive officer, Paul McIlhenny, for supportive actions taken to promote America's Wetland Campaign to Save Coastal Louisiana.

SENATE CONCURRENT RESOLUTION NO. 41—
BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To proclaim April 15, 2003 as Equal Pay Day.

Respectfully submitted,
CHRIS ULLO
Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

April 16, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 84—

BY REPRESENTATIVES WELCH, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOUIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, CAPELLA, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DEWITT, DIEZ, DOERGE, DOWNER, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, LUCAS, MARTINY, McDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PERKINS, PEYCHAUD, PIERRE, PINAC, PITRE, POWELL, QUEZAIRE, RICHMOND, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, SWILLING, THOMPSON, TOOMY, TOWNSEND, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WINSTON, WOOTON, AND WRIGHT AND SENATORS ADLEY, BAJOE, BARHAM, BEAN, BOISSIERE, CAIN, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAUX, HAINKEL, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS, AND ULLO

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences to the family of Trineisha Dené Colomb of Lafayette.

HOUSE CONCURRENT RESOLUTION NO. 85—

BY REPRESENTATIVES WELCH, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOUIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, CAPELLA, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DEWITT, DIEZ, DOERGE, DOWNER, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, LUCAS, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PERKINS, PEYCHAUD, PIERRE, PINAC, PITRE, POWELL, QUEZAIRE, RICHMOND, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, SWILLING, THOMPSON, TOOMY, TOWNSEND, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WINSTON, WOOTON, AND WRIGHT AND SENATORS ADLEY, BAJOIE, BARHAM, BEAN, BOISSIERE, CAIN, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAUX, HAINKEL, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS, AND ULLO

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences to the family of Carrie Lynn Yoder of Baton Rouge.

HOUSE CONCURRENT RESOLUTION NO. 86—

BY REPRESENTATIVES WELCH, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOUIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, CAPELLA, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DEWITT, DIEZ, DOERGE, DOWNER, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, LUCAS, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PERKINS, PEYCHAUD, PIERRE, PINAC, PITRE, POWELL, QUEZAIRE, RICHMOND, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, SWILLING, THOMPSON, TOOMY, TOWNSEND, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WINSTON, WOOTON, AND WRIGHT AND SENATORS ADLEY, BAJOIE, BARHAM, BEAN, BOISSIERE, CAIN, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAUX, HAINKEL, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS, AND ULLO

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences to the family of Gina Wilson Green of Baton Rouge.

HOUSE CONCURRENT RESOLUTION NO. 87—

BY REPRESENTATIVES WELCH, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOUIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, CAPELLA, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DEWITT, DIEZ, DOERGE, DOWNER, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, LUCAS, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PERKINS, PEYCHAUD, PIERRE, PINAC, PITRE, POWELL, QUEZAIRE, RICHMOND, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, SWILLING, THOMPSON, TOOMY, TOWNSEND, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WINSTON, WOOTON, AND WRIGHT AND SENATORS ADLEY, BAJOIE, BARHAM, BEAN, BOISSIERE, CAIN, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAUX, HAINKEL, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS, AND ULLO

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences to the family of Charlotte Murray Pace.

HOUSE CONCURRENT RESOLUTION NO. 88—

BY REPRESENTATIVES WELCH, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOUIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, CAPELLA, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DEWITT, DIEZ, DOERGE, DOWNER, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, LUCAS, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PERKINS, PEYCHAUD, PIERRE, PINAC, PITRE, POWELL, QUEZAIRE, RICHMOND, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, SWILLING, THOMPSON, TOOMY, TOWNSEND, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WINSTON, WOOTON, AND WRIGHT AND SENATORS ADLEY, BAJOIE, BARHAM, BEAN, BOISSIERE, CAIN, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAUX, HAINKEL, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS, AND ULLO

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences to the family of Pam Kinamore of Baton Rouge.

HOUSE CONCURRENT RESOLUTION NO. 91—

BY REPRESENTATIVES WELCH, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOUIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, CAPELLA, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DEWITT, DIEZ, DOERGE, DOWNER, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, LUCAS, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PERKINS, PEYCHAUD, PIERRE, PINAC, PITRE, POWELL, QUEZAIRE, RICHMOND, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, SWILLING, THOMPSON, TOOMY, TOWNSEND, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WINSTON, WOOTON, AND WRIGHT AND SENATORS ADLEY, BAJOIE, BARHAM, BEAN, BOISSIERE, CAIN, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAUX, HAINKEL, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS, AND ULLO

A CONCURRENT RESOLUTION

To commend Mari Ann Fowler for her contributions to education in the state of Louisiana and to assure her family of continued thoughts and prayers for Mrs. Fowler and for them.

HOUSE CONCURRENT RESOLUTION NO. 93—

BY REPRESENTATIVES GUILLORY, FLAVIN, HILL, ILES, JOHNS, LANDRIEU, MORRISH, STELLY, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOUIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, CAPELLA, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DEWITT, DIEZ, DOERGE, DOWNER, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GREEN, HAMMETT, HEATON, HEBERT, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, L. JACKSON, M. JACKSON, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LEBLANC, LUCAS, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MURRAY, NEVERS, ODINET, PERKINS, PEYCHAUD, PIERRE, PINAC, PITRE, POWELL, QUEZAIRE, RICHMOND, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STRAIN, SWILLING, THOMPSON, TOOMY, TOWNSEND, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WELCH, WINSTON, WOOTON, AND WRIGHT AND SENATORS MOUNT, THEUNISSEN, ADLEY, BAJOIE, BARHAM, BEAN, BOISSIERE, CAIN, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAUX, HAINKEL, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, ROMERO, SCHEDLER, SMITH, TARVER, THOMAS, AND ULLO

A CONCURRENT RESOLUTION

To express condolences of the legislature upon the death of Private First Class Wilfred D. R. Bellard, a native of Louisiana.

April 22, 2003

HOUSE CONCURRENT RESOLUTION NO. 108—

BY REPRESENTATIVES PIERRE, DOWNER, BALDONE, DARTEZ,
ODINET, AND WOOTON AND SENATOR DUPRE

A CONCURRENT RESOLUTION

To memorialize the California Legislature to stop the California Department of Health from implementation of a ban on raw oysters from the Gulf of Mexico.

HOUSE CONCURRENT RESOLUTION NO. 110—

BY REPRESENTATIVE HAMMETT

A CONCURRENT RESOLUTION

To commend Daryl Daye, head football coach at Nicholls State University, upon being named the 2002 Southland Conference coach of the year.

HOUSE CONCURRENT RESOLUTION NO. 113—

BY REPRESENTATIVES SCHNEIDER, CROWE, AND STRAIN AND
SENATORS HAINKEL, SCHEDLER, AND THOMAS

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the legislature upon the death of Leonard P. Monteleone, Jr.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

Leaves of Absence

The following leaves of absence were asked for and granted:

Bean 1 Day

Adjournment

Senator Lambert moved that the Senate adjourn until Wednesday, April 23, 2003, at 9:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 9:00 o'clock A.M. on Wednesday, April 23, 2003.

MICHAEL S. BAER, III
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk